

Probate for Jersey Residents

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What is probate?

Probate is the term used both for the Grant of Probate itself and the process involved in applying for the right to deal with the estate of someone who has passed away.

What is an Executor and what is an Administrator?

The person who administers the estate of someone who has passed away and named the person to carry out the administration in their Will is called an Executor. An Administrator is the person appointed as the personal representative for a person who died without making a Will or naming someone to administer their estate.

What happens if someone has a Will?

A Will is proved before the Royal Court of Jersey to be the last Will and Testament of a deceased person. Once the Grant of Probate is issued, the Executor can collect in and distribute the assets of the person who has died, in accordance with the Will.

What happens if there is no Will?

If the person who has died did not make a Will then they are said to be "intestate". The court will grant "Letters of Administration" and appoint an Administrator, this is normally the surviving spouse or eldest child, but other people can be appointed at the discretion of the Probate Registrar.

Do I need to apply for a Grant of Probate/Letters of Administration?

If the deceased held any bank accounts, investments, or other assets in their own name then a Grant of Probate/Letters of Administration are required in order to deal with the assets. You do not normally have to apply for a Grant of Probate/Letters of Administration if the deceased had assets in joint names as they often pass automatically to the surviving party, depending upon the wording of the mandate.

How Ogier can help

We can provide you with expert advice in all areas of probate work including the administration of a deceased person's estate and assisting the Executor/Administrator to make an application for probate.

What documents do I need before making a probate application?

You need the original Will of the deceased person.

Original death certificate, interim death certificate or letter of fact of death.

Official confirmation of the value of the assets, value of the debts as at date of death, including the cost of the funeral.

Client identification in the form of a certified copy passport and utility bill or bank statement which is no more than three months old confirming the residential address(es) of the Executor/Administrator, persons inheriting the rest and residue of the estate and any person inheriting more than £5,000 under the Will.

It is also useful to know the details of the surviving relatives of the deceased.

What are the costs of taxes or duties involved?

There are no death duties, estate duty, inheritance tax or capital gains tax in Jersey. Stamp duty is payable upon application for the Grant of Probate at a rate of 0.5% of the value of the assets at the date of death. This is rounded up to the nearest £10,000 on estates up to £100,000. For estates over the value of £100,000, there is a rate of £75 per each additional £10,000.

Value (at date of death) Stamp duty

£00.00 - £10,000	Nil
£10,001 - £20,000	£100
£20,001 - £30,000	£150
£30,001 - £40,000	£200
£40,001 - £50,000	£250
£50,001 - £60,000	£300
£60,001 - £70,000	£350
£70,001 - £80,000	£400
£80,001 - £90,000	£450
£90,001 - £100,000	£500

Then, for each £10,000 add £75.

There is a maximum charge of £100,000 stamp duty which was introduced with effect from 1 January 2013.

The Probate Registrar will also charge a flat stamp duty fee of £80 on all applications. The Royal Court Probate Department may charge an additional fee for reviewing paperwork before an application which varies depending upon the number of papers to be reviewed, but normally is a minimum of £75.

If you would like more information about applying for a Grant of Probate, please contact us, we can assist you in all aspects of your application.

The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

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